IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10121 of 2005

Between:

G.L.Sudhakar S/o.G.L.Prabudanam
R/o.D.No.3/263 GannivaripalliColony Tadiparti, Anantapur District.

..... PETITIONER

AND

1 The Depot Manager, APSRTC Tadiparti depot, Tadiparti, Anantapur District.
2 The Divisional Manager APSRTC Anantapur District.
3 The Regional Manager APSRTC Anantapur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or orders or direction more particularly one in the nature of writ of Mandamus declaring the proceedings Vide No.01/187(46)/2003 TDP dt.11.7.2003 of the 1st respondent confirmed the same vide proceedings No.PA/19 (150)/03 DVM.A dt.28.10.2003 of the 2nd respondent and vide proceedings No.PA/675 (02)/04 RM.A dt.31.3.2004 as illegal, arbitrary unjustified, unsustainable, contrary to law and in violation of Principles natural justice and consequently direct the respondents to add one annual increments to the pay of the petitioner and to pass such other and further order or orders.

Counsel for the Petitioner:MR.A.RAMA RAO

Counsel for the Respondent Nos.1 to 3: MR.P.VINAYAKA SWAMY (SC FOR APSRTC)

The Court at the admission stage made the following O R D E R:

The petitioner was appointed as driver in the respondent-Corporation. While so, the petitioner was issued a charge sheet dated 16.06.2003 alleging certain charges. He submitted his explanation denying the charges leveled against him. The first respondent by proceedings dated 11.07.2003 imposed the penalty of deferment of annual increment for a period of one year, which shall have effect on future increments of the petitioner. Against that order, the petitioner preferred an appeal to the second respondent and the same was rejected by order dated 28.10.2003. The review preferred by the petitioner was also rejected by order dated 30.03.2004. Hence this writ petition.

The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting any enquiry.

It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding any enquiry.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of deferment of annual increment for a period of one year, which shall not have the effect of postponing the future increments. By virtue of this order, petitioner is not entitled for any monetary benefits from the date of punishment till this date. But, however, he is entitled for increments on notional calculation. No order as to costs.

(K.C.BHANU,J)

Dt:28th April, 2005

usd

To

1 The Depot Manager, APSRTC Tadiparti depot, Tadiparti, Anantapur District.
2 The Divisional Manager APSRTC Anantapur District.
3 The Regional Manager APSRTC Anantapur District.

4 Two CD copies.